

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>FRIENDSHIPCOLLAR LTD.,</b>	)	CASE NO.: 5:18-cv-478
	)	
Plaintiff	)	JUDGE JOHN R. ADAMS
	)	
vs.	)	
	)	
<b>PAWZ LLC, et al.,</b>	)	
	)	
Defendants	)	

**DEFENDANTS' MOTION TO DISMISS TRADE DRESS INFRINGEMENT CLAIMS  
OF COUNTS I, III AND IV, COPYRIGHT INFRINGEMENT CLAIMS OF COUNT VI,  
AND TRADE DRESS DILUTION CLAIM OF COUNT II  
FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED**

Now come Defendants Pawz LLC and Christian Campisi, pursuant to Fed.R.Civ.P.

12(b)(6), and move the Court to dismiss the following claims of Plaintiff FriendshipCollar Ltd.:

Counts I, III, and IV, which would state a claim under federal law for trade dress  
infringement and analogous claims under Ohio statutory and common law;

Claim VI, which would state a claim for copyright infringement; and

Claim II, which would state a claim for trade dress dilution.

The grounds for this motion are that the statements of these claims lack facts sufficient to  
render them plausible, including respectively:

- A particularized statement of the trade dress and facts alleging non-functionality. To the extent described, the design goes to the idea of selling a pet collar and a matching bracelet, with the pet collar itself and its elements being functional, plaintiff is without the ability to amend its complaint to state a plausible claim;

- Factual statements demonstrating the fame of the trade dress. The trade dress cannot be deemed famous because of hits to the website “FriendshipCollar” and an appearance on a network television show; and
- Factual statements identifying any accused products and how they infringe.

These grounds are set forth with particularity in the Brief in Support filed herewith.

Respectfully submitted,

s:/Ray L. Weber

Ray L. Weber (0006497)

Laura J. Gentilcore (0034702)

RENNER, KENNER, GREIVE, BOBAK,  
TAYLOR & WEBER

106 South Main Street, Suite 400

Akron, OH 44308

Telephone: (330) 376-1242

Fax: (330) 376-9646

E-mail: [rlweber@rennerkenner.com](mailto:rlweber@rennerkenner.com)

E-mail: [ljgentilcore@rennerkenner.com](mailto:ljgentilcore@rennerkenner.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' MOTION TO DISMISS TRADE DRESS INFRINGEMENT CLAIMS OF COUNTS I, III AND IV, COPYRIGHT INFRINGEMENT CLAIMS OF COUNT VI, AND TRADE DRESS DILUTION CLAIM OF COUNT II FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED** has been filed electronically on September 6, 2018, with the United States District Court for the Northern District of Ohio. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s:/Ray L. Weber